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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,827	06/01/2004	Stephen R. Postle	C-579	3826
25900	7590	08/24/2006	EXAMINER	
SUN CHEMICAL COPORATION 35 WATERVIEW BLVD. PARSIPPANY, NJ 07054			BAKER, CHARLOTTE M	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/709,827	Applicant(s) POSTLE ET AL.	
	Examiner Charlotte M. Baker	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/30/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. The claims are objected to because the lines are crowded too closely together, making reading difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan (6,342,952).

Regarding claim 1: The structural elements of apparatus claim 10 perform all of the steps of method claim 1. Thus, claim 1 is rejected for the same reasons discussed in the rejection of claim 10.

Regarding claim 2: Chan satisfies all the elements of claim 1. The structural elements of apparatus claims 11 and 12 perform all of the steps of method claim 2. Thus, claim 2 is rejected for the same reasons discussed in the rejection of claims 11 and 12.

Regarding claim 3: Chan satisfies all the elements of claim 1. The structural elements of apparatus claim 13 perform all of the steps of method claim 3. Thus, claim 3 is rejected for the same reasons discussed in the rejection of claim 13.

Regarding claim 4: Chan satisfies all the elements of claim 1. The structural elements of apparatus claim 14 perform all of the steps of method claim 4. Thus, claim 4 is rejected for the same reasons discussed in the rejection of claim 14.

Regarding claim 5: Chan satisfies all the elements of claim 1. The structural elements of apparatus claim 15 perform all of the steps of method claim 5. Thus, claim 5 is rejected for the same reasons discussed in the rejection of claim 15.

Regarding claim 6: Chan satisfies all the elements of claim 1. The structural elements of apparatus claim 16 perform all of the steps of method claim 6. Thus, claim 6 is rejected for the same reasons discussed in the rejection of claim 16.

Regarding claim 7: Chan satisfies all the elements of claim 6. The structural elements of apparatus claim 17 perform all of the steps of method claim 7. Thus, claim 7 is rejected for the same reasons discussed in the rejection of claim 17.

Regarding claim 8: Chan satisfies all the elements of claim 1. The structural elements of apparatus claim 18 perform all of the steps of method claim 8. Thus, claim 8 is rejected for the same reasons discussed in the rejection of claim 18.

Regarding claim 9: Chan satisfies all the elements of claim 1. The structural elements of apparatus claim 19 perform all of the steps of method claim 9. Thus, claim 9 is rejected for the same reasons discussed in the rejection of claim 19.

Regarding claim 10: Chan discloses a memory (Fig. 1, server/second computer 10) that electronically stores a color choice (col. 3, ln. 10-18), the color choice is selectable to represent the color (input ink color, col. 3, ln. 10-18); a color selection module (Fig. 1, software package C 22, col. 3, ln. 57-60) that includes a color selection interface (graphical user interface, col. 3, ln.

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3-18); a criteria selection module (Fig. 1, server 10) that includes a criteria selection interface (interface for entering information, Fig. 2, col. 4, ln. 12-29) to enable an electronic selection of a first criteria selection and a second criteria selection from a plurality of criteria choices (Fig. 2) (col. 4, ln. 12-396), the first and second criteria selections (Fig. 2) (col. 4, ln. 12-396) and criteria choices stored in memory (Fig. 1, server 10) (col. 4, ln. 12-39); a matching module (Fig. 1, software package C 22, col. 3, ln. 55-66) that electronically matches the color selection and the first criteria selection (col. 4, ln. 12-39), and electronically matches the color selection and the second criteria selection (col. 4, ln. 12-39).

Chan fails to specifically address a plurality of color choices, but discloses these features in a later embodiment.

Chan discloses to enable an electronic color selection from a plurality of color choices (library of colors, col. 4, ln. 59 through col. 5, ln. 9), wherein the color choices and color selection are stored in the memory (Fig. 1, server/second computer 10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a library of colors to select from in order to give the customer more varieties of color to choose from.

Chan fails to specifically address first and second formulas in the first embodiment and second embodiments, but discloses it in a later embodiment.

Chan discloses a formula module (Fig. 1, software package C 22, col. 3, ln. 55 through col. 4, ln. 3) that provides a first formula (ink formulation) suitable to produce the color for a first of the at least two colored materials (different formula for the same color for offset printer and gravure printer as an example, col. 7, ln. 38-49), and provides a second formula (ink

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formulation) suitable to produce the color for a second of the at least two colored materials (different formula for the same color for offset printer and gravure printer as an example, col. 7, ln. 38-49); and an optimization module (Fig. 1, software package C 22, the optimization module electronically optimizes the first formula (ink formulation) and the second formula (ink formulation) to control metamerism (Examiner is interpreting metamerism as when two samples match in color under one condition, but fail to match under another. In this case, metamerism is being prevented by calculating the appearance of colors under different lighting conditions.) between the first colored material and the second colored material (lighting conditions, col. 6, ln. 65 through col. 7, ln. 12) different formula for the same color for offset printer and gravure printer as an example, col. 7, ln. 38-49).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include first and second formulas in order to allow the customer to use the same color for different printing process, which requires different ink formulations.

Regarding claim 11: Chan satisfies all the elements of claim 10. Chan further discloses at least a third electronic criteria selection (col. 4, ln. 12-39) (example of criterion, Fig. 2).

Regarding claim 12: Chan satisfies all the elements of claim 11. Chan further discloses a combining module (Fig. 1, server 10) that combines at least one of the first criteria selection and the second criteria selection with the third criteria selection (col. 4, ln. 12-39).

Regarding claim 13: Chan satisfies all the elements of claim 10. Chan further discloses a display (Fig. 1, color monitor 6) that presents the color choices and the criteria choices (graphical user interface and Fig. 2, col. 4, ln. 12-39).

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Regarding claim 14: Chan satisfies all the elements of claim 10. Chan further discloses wherein the criteria includes at least one of a substrate, financial cost, availability and pigment selection (col. 4, ln. 12-39).

Regarding claim 15: Chan satisfies all the elements of claim 10. Chan further discloses wherein the criteria includes the ability for a color to resist at least one of sunlight, water, solvent, acid, alkali, temperature, humidity, abrasion, cracking, bending, light and ultraviolet radiation (col. 4, ln. 12-39 and Fig. 2, “resistance needed”).

Regarding claim 16: Chan satisfies all the elements of claim 10. Chan further discloses a communication network (Fig. 1 and col. 2, ln. 58 through col. 3, ln. 18).

Regarding claim 17: Chan satisfies all the elements of claim 16. Chan further discloses wherein the communication network is the Internet (col. 2, ln. 65 through col. 3, ln. 3).

Regarding claim 18: Chan satisfies all the elements of claim 10. Chan further discloses wherein the of optimizing module modifies the color represented by the color choice (Fig. 1, software package C 22 and col. 3, ln. 55 through col. 4, ln. 3).

Regarding claim 19: Chan satisfies all the elements of claim 10. Chan further discloses an electronic library (Fig. 1, server 10) wherein the color choices and the criteria choices are stored (col. 3, ln. 10-18) (col. 4, ln. 12-39).

Regarding claim 20: Chan satisfies all the elements of claim 19. Chan further discloses a user interface (graphical user interface, col. 3, ln. 3-18) that provides means to add, update and delete information stored in the electronic library (col. 4, ln. 12-39).

Conclusion

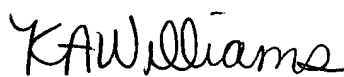
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McClanahan (US2004/0073526A1) and Newman (7,053,910).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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